Remarks

Claims 1, 3, 5-7, 9-11, 13, 15-17, 19, and 21 were pending. Upon entry of this response, claims 1, 3, 5-7, 9-11, 13, 15-17, 19 and 21 will be pending and in condition for allowance. This response is being filed concurrent with a Request for Continued Examination (RCE) under 37 CFR § 1.114, as well as a Third Supplemental Information Disclosure Statement.

The rejection under Section 102(b) is respectfully traversed. For a reference to anticipate a claim under 35 USC § 102(b), it must contain every element of that claim. Since Drumheller (U.S. Patent No. 5,874,165) does not disclose endovascular grafts, a key aspect of the present invention, the present invention is not anticipated by Drumheller. More importantly, the reference is not at all concerned with the prevention of endoleaking on such a graft, as by the use of a thin conformal coating to actually *promote* initial thrombus formation.

At its closest, Drumheller makes passing reference to a vascular graft that may be provided with immobilized *anti-coagulant* factors. Separately, Drumheller makes passing reference to a polymer coated metallic stent for improvement of vascular patency, that may also be provided with immobilized *anti-coagulant* factors. In this regard the reference itself is no closer than many others that have already been cited and distinguished by Applicants.

As described at length, and from the outset of the present specification, such vascular grafts and stents are distinctly different from the endovascular graft utilized in the present invention. By contrast to a conventional vascular graft, which is used to replace or bypass damaged vascular tissue, an endovascular graft is considerably smaller, being adapted to fit within a blood vessel, and includes both a cover and internal stent. The presence of a cover, in both the claims and present specification, also serves to distinguish an endovascular graft from a polymer coated metallic stent. Nor, in turn, does Drumheller disclose the use of *pro-coagulant* factors on an endovascular stent graft.

Further supporting the distinction drawn above, Applicant disagrees with the Examiner's contention that Drumheller discloses "a vascular graft" that is used to enhance "vascular patency." Close inspection of the structure of the text indicated by the Examiner reveals that Drumheller only discloses a polymer coated metallic stent for improvement of vascular patency. Drumheller does *not* disclose use of a *vascular graft* to improve vascular patency, but rather merely indicates that both of these distinct medical devices may be coated with anticoagulants.

The Examiner has rejected claims 1, 5, 10, 11 and 15 as being unpatentable under 35 USC § 103(a) by Guire (U.S. Patent No. 4,979,959) in view of Marin et al. (U.S. Patent No. 5,443,477). The rejection under Section 103 is respectfully traversed. The Examiner bears the initial burden in establishing a prima facie case of obviousness when rejecting claims under 35 U.S.C. §103. In order to establish obviousness, the Examiner must show that there was some basis in the art to combine the references. Guire is typical of references that describe the ability to immobilize a reagent to a surface, while Marin et al. provides, at most, a description of a conventional endovascular graft. There is nothing in either reference, let alone their

combination, that teaches or suggests the use of any coating, let alone that provided by Guire, to prevent endoleaking in a graft such as that of Marin et al.

Moreover, the two references are from different fields, and as such are non-analogous art. The Guire patent discloses a means of improving the biocompatibility of biomaterials through coating with a biocompatible agent. The Marin patent, on the other hand, discloses a gun-like apparatus for the intraluminal delivery and deployment of an expandable prosthesis at a site within the body. Nor is there any motivation to combine and/or modify the cited references to achieve the present invention. From the perspective of Guire, there is no indication that any such coating can be used in the manner presently claimed, to prevent endoleaking. From the perspective of Marin et al., there is no suggestion that it would be desirable to improve the surface characteristics of the endovascular graft to prevent endoleaking, particularly through the use of a conformal coating of bioactive agent. Marin et al. is instead concerned with improving the placement of an endovascular graft, not improving its effectiveness in-situ.

Accordingly, entry of the present Amendment and reconsideration of the pending rejection is respectfully requested. The Examiner is encouraged to telephone the undersigned in the event any remaining issues arise.

The Commissioner is hereby authorized to charge any additional filing fees required to Deposit Account No. 061910. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Dated: 12/3/03

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